

REMARKS

This Amendment is filed in response to the Office Action dated October 22, 2004, which has a shortened statutory period set to expire January 24, 2005. A one month extension request is filed herewith, thereby extending the period for response to February 22, 2005.

Rejections Under 35 U.S.C. 112

Claim 3 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter of the invention. The Examiner states that the use of "optionally" in the claim renders the claim indefinite. Claim 3 is amended to remove the phrase "and optionally, a custom trace", thereby rendering the claim definite. No new matter is added. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of Claim 3 under 35 U.S.C. 112.

Claim 11 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter of the invention. The Examiner notes that "Claim language '(URI)' should read '(URL)'". Applicants respectfully note that "URI", or "Uniform Resource Indicator", is the correct term. As defined, for example, in the XML and Web Service Glossary (<http://dret.net/glossary/uri>):

A URI is a member of this universal set of names in registered name spaces and addresses referring to registered Protocols or name spaces. A URL is a form of URI which expresses an address mapping onto an access Algorithm using network Protocols. A URN is a form of URI which uses a name space (and associated Resolution Protocols) for persistent object names.

Thus, as is known in the art, a URI encompasses such referrers as URLs and URNs. Accordingly, Applicants respectfully request

reconsideration and withdrawal of the rejection of Claim 11 under 35 U.S.C. 112.

Claim 19 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter of the invention. The Examiner notes that the claim language reads "at form". Claim 19 is amended to recite "platform" in place of "at form", thereby correcting an obvious and inadvertent typographical error. Applicants thank the Examiner for his careful review of the claims, and respectfully request reconsideration and withdrawal of the rejection of Claim 19 under 35 U.S.C. 112.

Claim 23 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter of the invention. The Examiner notes that there is insufficient antecedent basis for the limitation "the XML" in line 2 of the claim. Claim 23 is amended to depend from Claim 18, which recites "an extensible markup language (XML)", thereby correcting an obvious and inadvertent typographical error, and providing proper antecedent basis for the limitation in Claim 23. Applicants thank the Examiner for his careful review of the claims, and respectfully request reconsideration and withdrawal of the rejection of Claim 23 under 35 U.S.C. 112.

Rejections Under 35 U.S.C. 103

Claims 1-2, 4-7, 9-17, 19-21, 24-26, and 28-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,412,106, issued June 25, 2002 to Leask et al. (hereinafter "Leask") in view of U.S. Patent No. 6,412,106, issued September 12, 2000 to House et al. (hereinafter "House"). Applicants respectfully traverse these rejections in light of the above amendments and the following remarks.

Claim 1, as amended, recites:

A method of supporting development of a phone application code for a computer based phone application platform having a network interface and a telephone interface, the method comprising:

receiving the phone application code at the computer based phone application platform over the network interface from a remote computer via a development platform web server and using a web protocol;

associating the phone application code with a telephone number for communicating with the telephone interface; and

at the computer based phone application platform, responsive to receiving a telephone call via the telephone number,

executing the phone application code;

presenting an audio output over the telephone interface; and

presenting a call flow to the remote computer over the network interface via the development platform web server and using the web protocol, the call flow tracking a flow of execution for a phone call. (Emphasis added.)

Support for this clarifying amendment is found in the specification as originally filed at least at page 31, lines 2-6 of the Specification as originally filed, and in FIG. 1. No new matter is added.

The Examiner indicates that the "receiving the phone application code at the computer based phone application platform over the network interface from a remote computer" as recited by Claim 1 is taught by "column 7, line 65 to column 8,

line 6; column 18, lines 26-41" of Leask. Applicants respectfully submit that this is an improper interpretation of Leask.

Column 7, line 65 to column 8, line 6 of Leask recites:

Still a further technical advantage of one aspect of the present invention is that a system and method for debugging computer programs graphically are provided wherein an application that is stored and/or executing remotely can be debugged utilizing a debugging program that is executing locally. Accordingly, a debugging program is not required to be executing at each remote site where an application program is stored and/or executing.

This cited portion of Leask merely mentions a "remote site where an application program is stored and/or executing", and does not disclose or suggest "receiving the phone application code **at the computer based phone application platform** over the network interface from a remote computer" (emphasis added) as recited by Claim 1.

Likewise, column 18, lines 26-41 of Leask recites:

Turning back now to FIG. 1, in a preferred embodiment of the present invention, the graphical debugging program is executed locally, such as on computer system 100_{LOCAL}. Further, in a preferred embodiment, an application program to be debugged may be stored either locally, such as on computer system 100_{LOCAL}, or remotely, such as on computer system 100_{REMOTE}. If the application program is stored remotely at system 100_{REMOTE}, a graphical representation of the application program may be retrieved via network 108 and displayed locally at computer system 100_{LOCAL}. Thereafter, the application program may be debugged utilizing the graphical debugging environment running locally on computer system 100_{LOCAL}. That is, the graphical debugging program may be utilized locally at computer system 100_{LOCAL} to insert debug tools, such as breakpoints, for the remote application program.

Here, Leask only states that "If the application program is stored remotely at system 100_{REMOTE}, a graphical representation of the application program may be retrieved via network 108 and

displayed locally at computer system 100_{LOCAL}." (Emphasis added.) System 100_{LOCAL} of Leask is a "local personal computer system" (Leask, col. 8, lines 62-63) and nowhere is described as a "computer based phone application platform" as recited by Claim 1. Furthermore, even assuming, arguendo, that System 100_{LOCAL} could be considered to be a "computer based phone application platform" as recited by Claim 1, Leask merely teaches "[retrieving] a graphical representation of the application program ... via network 108" and does not disclose or suggest "**receiving the phone application code** at the computer based phone application platform over the network interface from a remote computer" (emphasis added) as recited by Claim 1.

The Examiner further indicates that "**at the computer based phone application platform, responsive to receiving a telephone call via the telephone number, executing the phone application code**" (emphasis added) as recited by Claim 1 is taught by Leask at column 18, lines 42-44 and column 16, lines 47-49. Applicants respectfully submit that this is an improper interpretation of Leask.

Column 18, lines 42-44 of Leask recite that "[m]oreover, in a preferred embodiment, the graphical debugging environment allows a developer to debug an application program during the application's runtime", while column 16, lines 47-49 of Leask recite that "the icon currently being executed may be highlighted or otherwise indicated to allow a developer to monitor the progress of the program's execution." In both cases, the activity is described within the graphical debugging environment of Leask, which is only described as running on local system 100_{LOCAL} (e.g., "Accordingly, the graphical debugger program running on local computer 100_{LOCAL} may be utilized to debug locally stored programs or programs stored at remote locations (e.g., 100_{REMOTE}) via network

108." Leask, col. 10, lines 4-8.).

In neither of these cited portions of Leask (nor in any non-cited portion of Leask) is it disclosed or suggested that local system 100_{LOCAL} can be considered "the computer based phone application platform" recited by Claim 1. Furthermore, even assuming, arguendo, that local system 100_{LOCAL} can be considered a "computer based phone application platform" as recited by Claim 1, Leask does not disclose or suggest that local system 100_{LOCAL} includes a "telephone interface" as recited by Claim 1. Therefore, Leask certainly does not teach "**at the computer based phone application platform, responsive to receiving a telephone call via the telephone number, executing the phone application code**" (emphasis added) as recited by Claim 1.

House does not remedy any of these deficiencies of Leask. House describes a "network server 110 [that] comprises a web server 502 ... [that] provides access between the network server 110 and the user computers 104[, and] an application server 504 for running the applications (shown in FIG. 1 as 112)." House does not disclose or suggest that network server 110 includes a "telephone interface" as recited by Claim 1, and so does not teach a "computer based phone application platform" as recited by Claim 1.

However, even assuming, arguendo, that network server 110 of House can be considered a "computer based phone application platform" as recited by Claim 1, House teaches a system in which applications are housed and executed within a network server, and consequently teaches away from "**receiving the phone application code at the computer based phone application platform over the network interface from a remote computer**" (emphasis added) as recited by Claim 1.

Furthermore, because House does not disclose or suggest any telephone-based interaction, and House certainly does not teach

"at the computer based phone application platform, **responsive to receiving a telephone call** via the telephone number, **executing the phone application code**" (emphasis added) as recited by Claim 1.

In addition, while the Examiner indicates that House teaches "**receiving the phone application code** at the computer based phone application platform over the network interface from a remote computer **via a development platform web server and using a web protocol**" (emphasis added) as recited by Claim 1, Applicants respectfully submit that House provides no such teaching. House does not disclose or suggest a "**development platform web server**" as recited in Claim 1, and actually teaches away from such a web server by incorporating application server 504 into network server 110.

Thus, for at least these reasons, Claim 1 is allowable under 35 U.S.C. 103(a) over Leask in view of House. Claims 2 and 4-6 depend from Claim 1, and are therefore allowable over Leask in view of House for at least the same reasons that Claim 1 is allowable. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-2, and 4-6.

A clarifying amendment similar to that applied to Claim 1 is applied to Claim 7. No new matter is added. Claim 7 is allowable under 35 U.S.C. 103(a) over Leask in view of House for reasons substantially similar to those provided with respect to Claim 1. Claim 9 depends from Claim 7, and is therefore allowable over Leask in view of House for at least the same reasons that Claim 7 is allowable. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 7 and 9.

A clarifying amendment similar to that applied to Claim 1 is applied to Claim 10. No new matter is added. Claim 10 is allowable under 35 U.S.C. 103(a) over Leask in view of House for

reasons substantially similar to those provided with respect to Claim 1. Claims 11-14 depend from Claim 10, and are therefore allowable over Leask in view of House for at least the same reasons that Claim 10 is allowable. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 10-14.

A clarifying amendment similar to that applied to Claim 1 is applied to Claim 15. No new matter is added. Claim 15 is allowable under 35 U.S.C. 103(a) over Leask in view of House for reasons substantially similar to those provided with respect to Claim 1. Claims 16-17, 19-21, and 24-26 depend from Claim 15, and are therefore allowable over Leask in view of House for at least the same reasons that Claim 15 is allowable. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 15-17, 19-21, and 24-26.

Claim 28 allowable under 35 U.S.C. 103(a) over Leask in view of House for reasons substantially similar to those provided with respect to Claim 1. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 28.

Claim 29 allowable under 35 U.S.C. 103(a) over Leask in view of House for reasons substantially similar to those provided with respect to Claim 1. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 29.

Claims 3, 8, and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Leask in view of House and further in view of the "Dictionary of Computing", Fourth Edition, Oxford University Press, 1996 (hereinafter "Dictionary"). Applicants respectfully traverse these rejections in light of the above amendments to the claims and the following remarks.

As noted above, Leask in view of House does not teach or suggest:

[R]eceiving the phone application code at the computer based phone application platform over the network interface from a remote computer via a development platform web server and using a web protocol ... and at the computer based phone application platform, responsive to receiving a telephone call via the telephone number, executing the phone application code. (Emphasis added.)

The cited portion of Dictionary simply recites a definition of a "trace program", and therefore does not remedy the deficiencies of Leask and House.

Claim 3, which depends from Claim 1, is therefore allowable over Leask in view of House and further in view of Dictionary. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 3.

Similarly, Dictionary does not remedy the deficiencies of Leask and House with respect to Claim 7, from which Claim 8 depends. Therefore, Claim 8 is allowable over Leask in view of House and further in view of Dictionary. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 8.

Similarly, Dictionary does not remedy the deficiencies of Leask and House with respect to Claim 15, from which Claim 22 depends. Therefore, Claim 22 is allowable over Leask in view of House and further in view of Dictionary. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 22.

Claims 18 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Leask in view of House and further in view of "VoxML 1.0 Application Development Guide" (hereinafter "VoxML"). Applicants respectfully traverse these rejections.

For reasons substantially similar to those provided above with respect to Claim 1, Leask in view of House does not teach

receiving at the first computer system over the web interface a uniform resource identifier (URI) from a second computer system, the URI corresponding to a location of a phone application;

at the first computer system, responsive to the receiving the URI, sending a first message to the phone application platform using the first computer system, the first message corresponding to a request to make the phone application located at the URI available on the phone application platform at a telephone number." (Emphasis added.)

as recited by Claim 15. As noted by the Examiner, VoxML describes "a phone application written in an XML based voice language". However, VoxML does not remedy the above-described deficiencies of Leask and House with respect to Claim 15, and therefore, Claims 18 and 27, which depend from Claim 15, are allowable under 35 U.S.C. 103(a) over Leask in view of House and further in view of VoxML. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 18 and 27.

Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Leask in view of House and further in view of U.S. Patent No. 6,232,984, issued May 15, 2001 to Chuah et al. (hereinafter "Chuah"). Applicants respectfully traverse this rejection in view of the above amendments and the following remarks.

As noted above, Leask in view of House does not teach

receiving at the first computer system over the web interface a uniform resource identifier (URI) from a second computer system, the URI corresponding to a location of a phone application;

at the first computer system, responsive to the receiving the URI, sending a first message to the phone application platform using the first computer system, the first message corresponding to a request to make the phone application located at the URI available on the phone application platform at a telephone number." (Emphasis added.)

as recited by Claim 15. Chuah only teaches a "data visualization system for visually displaying large amounts of data, e.g., related to a software project, accumulated over a period of time" (Chuah, col. 2, lines 33-35), and does not remedy the above-described deficiencies of Leask and House with respect to Claim 15. Therefore, Claim 23, which depends from Claim 15, is allowable under 35 U.S.C. 103(a) over Leask in view of House and in further view of Chuah. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 23.

New Claims

New claims 30-35 are added in the present paper. Support for these new claims is found in the specification as originally filed at least at page 32, line 21 to page 33, line 14. No new matter is added. Claims 30 and 31, which depend from claim 1, are allowable for at least the reasons presented above for claim 1. Claims 32 and 33, which depend from claim 7, are allowable for at least the reasons presented above for claim 7. Finally, claims 34 and 35, which depend from claim 10, are allowable for at least the reasons presented above for claim 10.

In addition, claims 30, 32, and 34 recite "associating a uniform resource identifier (URI) with the telephone number, the URI serving as a pointer to the phone application code." Claims 30, 32, and 34 are thus further allowable over the cited references, since none of Leask, House, Dictionary, VoxML, and Chuah teaches such a URI-to-telephone number association, either alone or in combination.

Likewise, claims 31, 33, and 35 are further allowable over the cited references, since none of Leask, House, Dictionary, VoxML, and Chuah, either alone or in combination, teaches "at the computer based phone application platform, responsive to receiving the telephone call via the telephone number, accessing the phone application code via the URI" as recited by claims 31, 33, and 35.

Accordingly, Applicant respectfully requests consideration and allowance of new claims 30-35.

CONCLUSION

Claims 1-35 are pending in the present Application. Reconsideration and allowance of these claims is respectfully requested.

If there are any questions, please telephone the undersigned at (408) 451-5903 to expedite prosecution of this case.

Respectfully submitted,



Customer No.: 24488

John M. Kubodera
Attorney for Applicant(s)
Reg. No. 45,984

I hereby certify that this correspondence is being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 18, 2005.

2/18/2005 Rebecca Baumann
Date Signature: Rebecca A. Baumann